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15 **UNITED STATES BANKRUPTCY COURT**

16 **DISTRICT OF NEVADA**

17 In re:  
 18 PETERSEN-DEAN, INC.,  
 19 Debtor.

20 CASE NO. BK-S-20-12821-MKN  
 Chapter 11  
 21 Date: N/A  
 Time:  
 Location:

22 **EX PARTE APPLICATION FOR EXAMINATION OF PHUC LE**  
**PURSUANT TO BANKRUPTCY RULE 2004**

23 Secured lender ACF FinCo I, LP (the “Secured Lender”), by and through its counsel, the  
 24 law firm of Garman Turner Gordon LLP, hereby respectfully applies (the “Application”) for an  
 25 order pursuant to Bankruptcy Rule<sup>1</sup> 2004 directing Phuc Le (“Mr. Le”) to appear for an  
 26 examination on June 29, 2020, at 9:00 a.m. (which is a time agreed to by the Secured Lender and  
 27 Debtors) related to the financial affairs of the Debtors.<sup>2</sup>

28 Bankruptcy Rule 2004(a) provides that “[o]n motion of any party in interest, the court may  
 29 order the examination of any entity.” Such an examination may relate to the acts, conduct, or

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30 <sup>1</sup> All references to “Chapter” and “Section” herein are to Title 11 of the U.S. Code (the “Bankruptcy Code”), all  
 31 references to a “Bankruptcy Rule” are to the Federal Rules of Bankruptcy Procedure, and all references to “Local  
 32 Rule” are to the Local Rules of Bankruptcy Practice of the United States District Court for the District of Nevada.

33 <sup>2</sup> “Debtors” refers to Beachhead Roofing & Supply, Inc., California Equipment Leasing Association, Inc., Fences 4  
 34 America, Inc., James Petersen Industries, Inc., PD Solar, Inc., Petersen Roofing and Solar LLC, Petersen-Dean, Inc.,  
 35 PetersenDean Hawaii LLC, PetersenDean Roofing and Solar Systems, Inc., PetersenDean Texas, Inc., Red Rose, Inc.,  
 36 Roofs 4 America, Inc., Solar 4 America, Inc., Sonoma Roofing Services, Inc., TD Venture Fund, LLC, and Tri-Valley  
 37 Supply, Inc.

property, or to the liabilities and financial condition of the debtor, or to any matter which may affect the administration of the debtor's estate. See FED. R. BANKR. P. 2004(b). Here, the requested examination relates to matters that are within the permitted scope of Bankruptcy Rule 2004, including: (i) the acts, conduct, and property of the Debtors; (ii) the liabilities and financial condition of Debtors; (iii) transactions and business dealings of Debtors; and (iv) all other matters that affect the administration of Debtors' estates.

The examination will take place by video conference and login information will be circulated to all parties and witnesses.

9        The Secured Lender will conduct this examination utilizing the secure web-based  
10 examination option afforded by Zoom or other provider or in the alternative video teleconferencing  
11 services offered by Zoom or other provider or telephonically only and will provide remote access  
12 to those parties wishing to participate in the examination via the internet and/or telephone. The  
13 court reporter may also be remote via one of the options above for the purposes of reporting the  
14 examination and may or may not be in the presence of the examinee.

15 Please contact the noticing attorney at least two (2) calendar days prior to the examination  
16 so that the necessary credential, call-in numbers, testing and information, if necessary, can be  
17 provided to you prior to the examination.

18 WHEREFORE, Secured Lender respectfully requests the Court enter the *Order*  
19 *Authorizing Examination of Phuc Le Pursuant to Bankruptcy Rule 2004* attached as **Exhibit 1**  
20 hereto.

21 Dated this 19th day of June, 2020.

## GARMAN TURNER GORDON LLP

/s/ Mark M. Weisenmiller

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# **EXHIBIT 1**

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15 **UNITED STATES BANKRUPTCY COURT**

16 **DISTRICT OF NEVADA**

17 In re:

18 PETERSEN-DEAN, INC.,  
19 Debtor.

CASE NO. BK-S-20-12821-MKN  
Chapter 11

Date: N/A  
Time:  
Location:

20 **ORDER GRANTING EX PARTE APPLICATION FOR EXAMINATION OF**  
**PHUC LE PURSUANT TO BANKRUPTCY RULE 2004**

21 Upon the *Ex Parte Application for Examination of Phuc Le Pursuant to Bankruptcy Rule*  
22 2004 (the “Application”)<sup>1</sup> and good cause appearing therefore;

23 **IT IS HEREBY ORDERED** that Phuc Le shall appear for a Bankruptcy Rule 2004  
24 examination on June 29, 2020, at 9:00 a.m., pursuant to FED. R. BANKR. P. 2004, related to the  
25 financial affairs of the Debtors.  
26

27  
28 <sup>1</sup> All capitalized undefined terms used herein shall be ascribed the definitions set forth in the Application.

1           **IT IS HEREBY ORDERED** the examination will take place by video conference and  
2 login information will be circulated to all parties and witnesses.

3           **IT IS HEREBY ORDERED** the Secured Lender will conduct this examination utilizing  
4 the secure web-based examination option afforded by Zoom or other provider or in the alternative  
5 video teleconferencing services offered by Zoom or other provider or telephonically only and will  
6 provide remote access to those parties wishing to participate in the examination via the internet  
7 and/or telephone. The court reporter may also be remote via one of the options above for the  
8 purposes of reporting the examination and may or may not be in the presence of the examinee.

9           **IT IS HEREBY ORDERED** all parties and witnesses wishing to participate in the  
10 examination via the internet or phone shall contact the noticing attorney at least two (2) calendar  
11 days prior to the examination so that the necessary credential, call-in numbers, testing and  
12 information, if necessary, can be provided to you prior to the examination.

13           **IT IS SO ORDERED.**

14           PREPARED AND SUBMITTED BY:

16           GARMAN TURNER GORDON LLP

17           */s/ Mark M. Weisenmiller*  
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